

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Upon entry of the above amendments, claims 1-9 will be pending.

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claims 1-9 have been rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-11 of U.S. Patent 6,646,068 and claims 1-19 of U.S. Patent 6,713,584. Claims 1-9 have been rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 5,726,268 to Sakamoto. Claims 1-9 have been rejected under 35 U.S.C. § 102(a) as anticipated by or in the alternative under 35 U.S.C. § 103(a) as unpatentable over GB 2,294,467 to Sakamoto (equivalent to the '268 Patent).

With respect to the rejection under § 112, Applicants submit that the claims are definite. Specifically, it is understood by one of skill in the art that "soluble" polymers may be soluble in any number of solvents, while insoluble polymers are not soluble in any solvents. Such insoluble polymers may swell in the presence of some solvents, but are not generally understood by those of skill in the art to be insoluble. Insoluble polymers tend to be crosslinked. Some art discusses polymers that are branched, but the techniques described in these documents produce cross-linked branched polymers distinguishable from the present invention in that they are insoluble. For at least these reason, Applicants submit that the claims are in full compliance with 35 U.S.C. § 112, second paragraph.

With respect to the double patenting rejections, applicants will address these rejections upon an indication of allowable subject matter.


With respect to the rejections in view of Sakamoto, Applicants submit that the Examiner has failed to establish a *prima facie* case of anticipation or obviousness. Specifically, the Examiner relies on Example 1 of Table 1 in making his rejection. However, Example 1 of Table 1 includes only 0.030 parts by weight of polyfunctional monomer and has a molecular weight that is greater than 200,000. Accordingly, Example 1 does not teach or suggest the instant invention. Similarly, the Examiner indicates that Examples 2, 3, and 5 have molecular weights that are less than 200,000. These Examples, like Example 1, also include different amounts of polyfunctional monomer than the present invention. Accordingly, Sakamoto fails to teach or suggest each limitation of the present invention. For at least this reason, Applicants respectfully request reconsideration and withdrawal of this rejection.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By:   
\_\_\_\_\_  
John E. Mauk  
Registration No. 54,579  
Direct No. (202) 263-3255

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 263-3340

Intellectual Property Group  
1909 K Street, N.W.  
Washington, D.C. 20006-1101  
(202) 263-3000 Telephone  
(202) 263-3300 Facsimile

Date: April 27, 2006